IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1619 OF 2005

Dinesh Chandra Nigam ..Petitioner.

Versus

Maharashtra State Electricity Board & Ors. ..Respondents.

Mr.A. Khandeparkar with Mr. S. R. Saudagar for the Petitioner.
Mrs. A. R. S. Baxi for the Respondents.

CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 9TH SEPTEMBER, 2005

P.C.

Respondents no. 2 is the Chief Engineer of respondents no.1. The Petitioner has sought a Writ of Certiorari to quash and set aside a tender issued by Respondent no. 1 and a Writ of Mandamus directing Respondent no. 1 to reissue the tender.

2. The Respondents invited tenders for certain construction work such as that of excavation and refilling of trenches. The tenders

were to be submitted duly filled by 30th April, 2005. They were to be opened on 30th April, 2005 itself. The Petitioner submitted his tender.

3. The Respondents by a letter dated 3rd May, 2005 stated the fact that the Petitioners had failed to submit inter-alia a valid Labour license issued by the Commissioner of Labour and certain other documents and called upon the Petitioners to submit the same. By the said letter the Petitioner was also informed that the tender was rescheduled to be opened on the 16th May, 2005.

4. Admittedly, the Petitioner did not submit a valid Labour license issued by the Commissioner of Labour when he submitted the tender initially on 30th April, 2005. Admittedly, the same was not even produced by him on 16th May, 2005 i.e. the rescheduled date. It was further admitted that an application for the said license was made only on 5th May, 2005 and that the same was received only on 17th May, 2005. Thus the Petitioner was admittedly, unable to comply with all the terms and conditions of the tender by the last date. He submitted the same only on 17/18th May, 2005 which was after the last date for the submission of the tender.

5. In the circumstances, the decision of the Respondents to reject the Petitioners tender, cannot be faulted for he did not comply with the terms and conditions of the tender by the last date despite the fact that the same was extended from 30 April, 2005 to 16th May, 2005.

6. It was submitted that the Respondents had in fact permitted other tenderers to submit their documents after the last date. The Petitioner was however, unable to substantiate this allegation despite our giving him an opportunity to do so.

7. The petition is therefore dismissed. The Petitioner shall pay the costs of this petition to Respondent no. 1 fixed at Rs.5000/- within eight weeks of today.

CHIEF JUSTICE

S.J. VAZIFDAR, J.